

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KATHY LOY,
Plaintiff

v.

MAHANoy AREA SCHOOL DISTRICT,
and
DR. JOIE GREEN,
Defendants.

Civil Action No. 3:17-cv-01428

(Malachy E. Mannion)

**DEFENDANTS' MOTION TO DISMISS
AND TO STRIKE CERTAIN AVERMENTS**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), Defendants Mahanoy Area School District and Dr. Joie Green move to dismiss Plaintiff's Amended Complaint and to strike certain averments, respectively, and in support thereof, incorporate by reference and rely upon the accompanying Memorandum of Law in Support of this Motion.

LEVIN LEGAL GROUP, P.C.

/s/ James J. Musial

Michael I. Levin, Esquire
PA Attorney I.D. No. 21232
James J. Musial, Esquire
PA Attorney I.D. No. 71100
1301 Masons Mill Business Park
1800 Byberry Road
Huntingdon Valley, PA 19006
(215) 938-6378
mlevin@levinlegalgroup.com
jmusial@levinlegalgroup.com
Counsel for Defendants

Date: November 27, 2017

CERTIFICATE OF SERVICE

James J. Musial, one of the attorneys for the Defendants, hereby certifies that the foregoing Motion to Dismiss and To Strike Certain Averments, together with the accompanying Memorandum of Law in Support and proposed Order were filed with the Court and served on the Plaintiff's counsel listed below through the Court's Electronic Filing System on the below date and is available for viewing and downloading:

Lisa Matukaitis, Esquire
MATUKAITIS LAW, LLC
104 State Street
Harrisburg, PA 17101

/s/James J. Musial
James J. Musial

Date: November 27, 2017